

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: DECEMBER 6, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: RQR-25330 - APPLICANT/OWNER: RESTAURANT ROW, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. This Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
2. All of the supporting structure and blank sign faces shall be repainted, as required by the Planning and Development Department, within 30 days of final approval of this review by the City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
6. The embellishment on the southern sign face shall be removed or be reduced to contain 128 square feet of surface area or less as required by Title 19.14.
7. The applicant shall be required to pay the \$300.00 fee associated with this application within 10 days of approval of this application.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Required Five Year Review of an approved Variance (V-0040-97) that allowed a proposed 61-foot tall 14-foot by 48-foot triple sided Off-Premise Advertising (Billboard) Sign where a maximum double-faced sign is allowed at 1991 North Rainbow Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/23/97 *	The City Council approved a Variance (V-0040-97) to allow a 61-foot high, 14-foot x 48-foot, triple-face off-premise advertising (billboard) sign where a 55-foot high, double-face off-premise advertising (billboard) sign is the maximum allowed on the subject site. The Board of Zoning Adjustment recommended approval. Staff recommended denial.
07/14/97	The City Council approved a Special Use Permit (U-30-97) for this off-premise advertising (billboard) sign. The Planning Commission and staff recommended approval.
06/19/02	The City Council approved a Required Five Year Review [V-0040-97(1)] to allow a 61-foot high, 14-foot x 48-foot, triple-face off-premise advertising (billboard) sign where a 55-foot high, double-face off-premise advertising (billboard) sign is the maximum allowed on the subject site. The Planning Commission and staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
09/03/97	A building permit (#97018239) was issued for the subject off-premise advertising (billboard) sign. A final inspection was conducted and the project was completed on 09/26/97.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
11/02/07	A site inspection was conducted and photographs were taken. Two sides of the billboard were found to be blank surfaces that are in various sates of disrepair. The supporting structure is in need of repainting. There is an embellishment on the southern face of the billboard.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.81

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
North	US-95	US-95	US-95
South	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	US-95	US-95	US-95

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (140-Foot)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Advertising (Billboard) Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas	Located within the Exempt Zone	Y
Zoning	Off-Premise Advertising (Billboard) Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Located within a C-1 (Limited Commercial) zoning district	Y

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Area	No Off-Premise Advertising (Billboard) Signs shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	672 SF Plus and embellishment	N
Height	No higher than 40 feet from grade at the point of construction	Maximum height of 61 feet from grade	Y*
Screening	All structural elements of an Off-Premise Advertising (Billboard) Sign to which the display panels are attached shall be screened from view.	Screened	Y
Off-Premise Advertisement (Billboard)	At least 750 feet to another Off Premise Sign	925 feet to another Off Premise Sign	Y
Off-Premise Advertisement (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	385 feet from "R" zoned property to the southeast.	Y
Other	All Off-Premise Advertising (Billboard) Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Permanently secured to ground; located on strictly commercial property	Y

* Through the original approval of this sign (V-0040-97) a height of 61 feet and three sign faces were approved.

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ANALYSIS

This is the second review of the subject Off-Premise Advertising (Billboard) Sign. The sign was originally approved through the issuance of a Variance, which allowed the 61-Foot height and three sign faces. The Off-Premise Advertising (Billboard) Sign also received a Special Use Permit (U-0030-97).

Upon a site inspection it was found that the sign currently has only one face being used actively. This is the southern face of the sign. It is noted that this face contains an embellishment that appears to be greater than the 128 square feet permitted by Title 19.14. It is noted that no drawings were provided that depict the embellishment and thus its exact dimensions are unknown. The remaining two faces of the Off-Premise Advertising (Billboard) Sign are currently not being used and appear to have been blank for some time. The paint on these portions of the Off-Premise Advertising (Billboard) Sign is currently flaking off and is not aesthetically pleasing. This shall be repainted along with the supporting structure, which was also found to be in need of maintenance. It is further noted that repeated attempts to contact the applicant have gone without response. This application was created by staff to satisfy the review requirements and appropriate conditions of approval regarding fees have been added. Due to the Off-Premise Advertising (Billboard) Signs lack of proper maintenance and the embellishment, denial of this request is recommended.

FINDINGS

The Off-Premise Advertising (Billboard) Sign lacks proper maintenance and contains an embellishment, denial of this request is recommended. Conditions of approval have been added to bring the Off-Premise Advertising (Billboard) Sign into compliance, if approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 34

SENATE DISTRICT 3

NOTICES MAILED 306

APPROVALS 0

PROTESTS 0